

REMARKS

The present amendments and remarks are responsive to an Official Action having a mailing date of October 7, 2002. Claims 6-10 are pending. Claims 6-10 are rejected. Reconsideration and withdrawal of the rejections are respectfully requested. Claim 11 has been added.

Claim 6 has been amended to include the limitations of prior claim 8.

Claims 7 and 9 have been rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner states that use of the expression "said means" in claim 7, line 1 and claim 9, lines 3-4 is not clear as to which "means" of the invention the Applicant refers. Claims 7 and 9 have been amended to remove this apparent ambiguity by more precisely defining the means the Applicant refers to.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**Version with markings to show changes made**".

Independent claim 11 has been added to contain all of the limitations of prior claims 6 and 7, and to clearly emphasize the control of a flow by the controlled acceleration of units within the flow.

Claims 6-10 have been rejected under 35 U.S.C. §102(b) as being anticipated by European Patent Application EP 0,429,803 to *Uno*. The Examiner states that the *Uno* patent application "discloses a method and apparatus for controlling articles within a non-stop continuous flow from at least one incoming feeder track into at least one outgoing feeder track comprising at least one shifting unit for controlled shifting of the flow into one or more selectable paths of the outgoing feeder track

wherein the shifting unit is provided with means for controlling the speeds of the articles, for separation of the units in the longitudinal direction of flow where the separation enables the controlled shifting". The Examiner further states that "*Uno* also discloses the means for controlling the speeds of the articles by controlling the acceleration of the article exceeding the speed of the flow within the incoming track whereby the separation of the articles occur within the shifting unit, the incoming feeder track having variable speed while the shifting unit has a constant speed and the means for controlling the speeds of the articles allows the shifting of the articles to occur after a predetermined number of articles have been arranged".

Actually, although *Uno* does teach a method and apparatus for controlling articles flowing from at least one incoming feeder track onto one or more outgoing feeder tracks, *Uno* teaches that switching between outgoing feeder tracks and establishing the requisite separation between the articles is done by using a braking mechanism to slow the articles as they arrive at the switching device from the incoming feeder track. This is explicitly taught in numerous places throughout *Uno*, including specific references at column 1, lines 46-52, column 2, lines 37-48 (referring to Fig. 1), and in the claims at column 4, lines 18-31 (comprising claims 1 and 2). Accomplishing a separation of the articles by maintaining the continuous flow of these units without arresting the continuous flow, for example by positively accelerating the articles from the incoming feeder track using the switching device is not taught or even mentioned anywhere in the *Uno* reference. In fact, by teaching that the switching mechanism should slow or brake the articles arriving from the incoming feeder track, *Uno* effectively teaches away from doing so, or more particularly,

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from using the switching device to accelerate the articles to a faster speed as they arrive from the incoming feeder track.

It is therefore equally clear that *Uno* utterly fails to teach or suggest such an apparatus in which the speed of the units are controlled up to a speed exceeding the flow of units within the incoming feeder track, for unit separation resulting in a distance between two consecutive units, inside the switching device.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with markings to show changes made".

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: March 7, 2003

Respectfully submitted,

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6. Apparatus for controlling units within a continuous flow from at least one incoming feeder track into at least one outgoing feeder track, comprising at least one shifting unit for controlled shifting of said flow into one or more selectable paths of said outgoing feeder track, wherein said shifting unit is provided with means for controlling the speeds of the respective units, while maintaining said continuous flow of said units without arresting said continuous flow, for separation of the units in the longitudinal direction of flow, said separation enabling said controlled shifting.

7. Apparatus according to claim 6, wherein said means for controlling the speeds of the respective units is arranged to control the speed of each unit, with a controlled acceleration of said unit up to a speed exceeding the speed of the flow within said incoming track, said separation resulting in a distance between two consecutive units, inside said shifting unit.

9. Apparatus according to claim 6, wherein said incoming track is arranged for feeding units at a variable speed, while the shifting unit is arranged for a constant speed, said means for controlling the speeds of the respective units being arranged to control the shifting after a predetermined number of units.

11. Apparatus for controlling units within a flow from at least one incoming feeder track into at least one outgoing feeder track, comprising at least one shifting unit for controlled shifting of said flow into one or more selectable paths of said outgoing feeder track, wherein said shifting unit is provided with means for controlling the speeds of the respective units by controlled acceleration of the respective

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units up to a speed exceeding the speed of the flow within said incoming feeder track, for separation of the units in the longitudinal direction of flow, said separation resulting in a distance between two consecutive units, inside said shifting unit, and enabling said controlled shifting.